ASSET FORFEITURE
JESSICA CROWDER, PROGRAM CONSULTANT II KBI

July 1st is coming up fast and K.S.A. 60-4127 will be in full effect requiring law enforcement agencies to report their civil asset forfeiture data to a repository housed at the Kansas Bureau of Investigation (KBI). By now, your agency should have received a letter explaining how the data will be collected. The KBI has been working diligently to ensure the system will capture all of the data required and will be as simple and user friendly as possible for our local partners. The system was created with SurveyMonkey Apply. The website is https://kasfr.kbi.ks.gov. Each user that will submit asset forfeiture data must be invited in order to be able to log in. Please request access by emailing Jessica Crowder at jessica.crowder@kbi.ks.gov with the first name, last name, and email address of each user in your agency requiring access.

The website consists of two reports—an incident report and an annual report. An incident report is required to be submitted to the KBI within 60 days of the disposition of any property seized for forfeiture. Data for any disposition that occurs on or after July 1st must be submitted, even if the seizure of the property occurred prior to July 1st. An annual report will collect summary data from your state, pending, and federal forfeiture fund accounts. This will be completed one time per year, and must be submitted by February 1st for the previous calendar year. Please note that the first annual report will only collect your forfeiture fund data from July 1—December 31.

The specific data elements collected on the incident and annual reports were outlined by K.S.A. 60-4127 but were more clearly defined by the Judicial Council Civil Asset Forfeiture Advisory Committee, as they studied the topic of civil asset forfeiture. The data being collected is what the committee believes should be collected in order to answer public policy questions and ensure transparency.

K.S.A. 60-4127 requires the KBI to report all agencies who are not in compliance as determined by substantial match. Substantial match is defined as having an error rate of less than 10% and a difference of less than $5000. Any agency that is not compliant with this statute and/or fails to make a correction will not be able to continue to do forfeitures until they come back into compliance. The KBI absolutely does not want that to happen, so please let us help you in any way we can to ensure you will be able to continue to do forfeitures.

The KBI encourages for each agency to request access prior to July 1st in order to become familiar with the two reports for submitting the data. Training is being offered and we would like to ensure each agency receives training before July 1st, which will be offered in person or via webinar. If you are interested in hosting training or have any other questions, please contact Jessica Crowder at jessica.crowder@kbi.ks.gov or (785) 296-8338.

ECITATION
KARLI KOCI, PROGRAM CONSULTANT II KBI

The testing for the Kansas Bureau of Investigation (KBI) eCitation repository has come to an end. We are pleased to announce that as of April 1, 2019, the Citation Record Entry (CRE) application on the KCJIS web portal has been deployed and is now ready for agency participation.

The ability to submit citations to the repository via electronic submission from a digital ticketing software or agency records management system (RMS) is still being developed and tested. Please contact your vendor to see if development has started.

The KBI would like to encourage all Kansas law enforcement agencies to participate in this information sharing repository. Please contact Karli Koci at Karli.Koci@kbi.ks.gov or (785) 296-0492 to discuss training opportunities.

INSIDE THIS ISSUE

FINGERPRINTING REQUIREMENTS FOR SUSPECTS WITH WARRANTS FROM OTHER JURISDICTIONS
KRISTI CARTER, CRIMINAL HISTORY RECORDS MANAGER KBI

It is common for law enforcement officers to encounter a suspect with an arrest warrant from an outside jurisdiction. Does your agency know that it is a statutory requirement to fingerprint the suspect even though the warrant was issued by another agency? It's true. K.S.A. 21-2501 requires law enforcement to fingerprint a person if they are *wanted* for the commission of a felony, class A or B misdemeanor or assault or for violation of a county resolution that is equivalent to one of these crimes.

By virtue of the warrant being issued the suspect is considered *wanted*. The suspect should be fingerprinted for the charges listed in the warrant by the agency that picked them up. The arrest disposition chosen for the fingerprint submission to KBI will indicate the course of action by that agency after booking on the rapsheet. Typically, the appropriate arrest disposition if the suspect is not transferred to the agency that issued the warrant is "Released. No further action." If the suspect is transferred to the law enforcement agency that issued the warrant the appropriate arrest disposition code is "Released to responsible agency."

When the suspect is transferred to the agency responsible for the charges in the warrant, the suspect should be fingerprinted by that agency as well. The transaction number from that arrest should then be sent on to the prosecutor to determine if charges will be filed.

Questions on this topic can be directed to Vanessa Rine at (785) 296-0816 email Vanessa.Rine@kbi.ks.gov or Kristi Carter (785) 296-8272 email Kristi.Carter@kbi.ks.gov

20TH ANNUAL KCJIS CONFERENCE
KCJIS COMMITTEE

20TH ANNUAL KCJIS USERS CONFERENCE REGISTRATION

Please go to KCJIS - Conference Registration Form 2019 to register for the 2019 KCJIS Conference. Hotel reservation information and the conference agenda are also available on the link.

See you in Topeka June 2nd – 4th!

~KCJIS Committee

PATCH MANAGEMENT POLICY REMINDER
TAMMIE HENDRIX, CJIS UNIT—TECHNICAL SECURITY AUDITOR KHP
DON CATHEY, KCJIS INFORMATION SECURITY OFFICER

Here's a friendly reminder to review KCJIS Policy **5.10.4.1** - Patch Management. In short, failure to address vulnerabilities in your information systems will be found out of compliance.

For instance, some of you may have received notices or otherwise been reminded of upcoming dates about Microsoft products that will no longer be supported.

Windows 7 reaches end of life on January 14, 2020...meaning Microsoft will discontinue all FREE support including fixes to address new breaches, exploits, viruses, and attacks, leaving Windows 7 computers vulnerable. Microsoft will offer **paid** support for a limited time after next January (For users of Windows 7 Professional and Windows 7 Enterprise, you can purchase Extended Security Updates through January 2023. For an in-depth FAQ about Windows 7 Extended Security Updates, please download the Microsoft End of Support FAQ.).

Without maintenance support, Windows 7 will no longer be compliant, and more importantly, your network and any connected enterprises with which they share a trust relationship is vulnerable.

How to Prepare?

The best thing to do, is work with your IT Administration as soon as possible. Target all your Windows 7 PCs (or OTHER End of Life products) and create a plan to upgrade or replace them.

Here's a link to help you out: https://support.microsoft.com/en-us/help/4487594/prepare-now-for-end-of-support-in-2019-and-2020.

Instead of using an unsupported operating system, upgrade to the most recent OS. Windows 10 provides better security, and Microsoft will provide support for it through October 13, 2025.

Upgrading to a new operating system takes time and careful planning, particularly if you have numerous machines and systems. A smooth and successful transition to a new operating system requires you to:

• Identify machines that need to be upgraded or replaced
• Develop a timeline and budget to upgrade or replace
• Employees may need to be trained on the new system
• Implement security controls to separate critical systems from Windows 7 machines that cannot be upgraded or removed

Here are more links to help you plan:

Windows Lifecycle Fact Sheet: https://support.microsoft.com/en-us/help/13853/windows-lifecycle-fact-sheet

For what has been tested to work with KCJIS, use your KCJIS token to access an updated KCIS Computer Specifications page in the **KS Technical Information** section under the **Information** Menu Tab of the KCJIS Web Portal.

"BAN THE BOX," LAWS, REGULATIONS, AND KCJIS POLICIES ON RECORD CHECKS
DON CATHEY, KCJIS INFORMATION SECURITY OFFICER

I suspect it comes as no surprise to most of you that sometimes well intended laws, regulations, or initiatives seem to conflict with other well intended laws, regulations, or initiatives. At least it sure seems like that to me! For instance, does the "Ban the Box" Executive Order signed by Governor Colyer last year conflict with federal or state laws and regulations and the policies authorized by those laws and regulations – like the KCJIS policies on personnel screening (5.12.1)? Let's investigate!

"Ban the Box" initiatives are intended to address employment obstacles for applicants with criminal histories such as automatic disqualification before given an opportunity to explain their situation in an interview. So far in Kansas there is no statewide "Ban the Box" statute, only Executive Order 18-12 signed May 2, 2018 by then Governor Jeff Colyer which states in part:

> 1.Within ninety (90) days of the date of this order, all Executive Branch departments, agencies, boards, and commissions under the jurisdiction of the Office of the Governor shall take action to ensure that, during the initial stage of a state employment application, job **applicants shall not be asked whether they have a criminal record, and a criminal record shall not automatically disqualify an applicant** from receiving an interview.

Such an initiative may be something your local governing bodies have enacted or are considering.

Meanwhile, KCJIS policy **5.12.1 Personnel Screening Requirements for Individuals Requiring Unescorted Access to Unencrypted CJI** states:

> "1. To verify identification, a state of residency and national fingerprint-based record checks shall be conducted prior to granting access to CJI for all personnel who have unescorted access to unencrypted CJI or unescorted access to physically secure locations or controlled areas (during times of CJI processing)".

So, does "Ban the Box" conflict with KCJIS policies as authorized under federal or state laws and regulations?

Short answer: NO, not as written and read in its complete context.
Why not?
1st, Because the order only addresses *the initial stage of a state employment application*. Additional language of executive order 18-12 clarifies that:

> 2. *This order shall not apply when a criminal history would render an applicant ineligible for a position. In particular, if any law or regulation prohibits a person from holding a job due to prior criminal conduct, it is permissible to inquire about an applicant's criminal record during the initial stage of a state employment application and an applicant may be disqualified from further review for this reason.*
> 3. *Nothing in this Order shall prevent the conduct of a criminal background check as a condition of employment.*

2nd, because policy language in 5.12.1 does not mention *employment* (and hasn't mentioned it in previous versions either). The policy is only concerned that record checks are conducted **prior to** granting **access** to CJI for all personnel who have unescorted **access** to unencrypted CJI or unescorted **access** to physically secure locations.

Here are some related questions asked recently and answers based on applicable regulations and policies.

Is EEOC related to "Ban the Box"?
Here's the introductory paragraph from the "About EEOC" page at https://www.eeoc.gov/.
> The U.S. Equal Employment Opportunity Commission (EEOC) is responsible for enforcing federal laws that make it illegal to discriminate against a job applicant or an employee because of the person's race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, age (40 or older), disability or genetic information.

While EEOC has responsibilities over all discriminatory actions by an employer, Chapter V of their Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq, discusses the concept of "*Disparate Impact Discrimination and Criminal Records",* which in general, can occur when an employer has a policy that automatically disqualifies applicants with any criminal histories without providing an opportunity to explain themselves. This concept is very similar to why "Ban the Box" initiatives exist.

So, does EEOC conflict with KCJIS policy 5.12.1?
The answer is still no. Resources on the EEOC website indicate recognition that some jobs (such as those in criminal justice) require criminal history record checks as a condition before selection and allowances are made for that. KCJIS Policy 5.12.1 appears to be in line with the guidelines of the EEOC in that it:
1. Is based on authority of FEDERAL regulation 28 CFR Part20
2. Concerned with specific needs of roles needing unescorted access to unencrypted CJI, not employment in a general sense.
3. Allows your agency to "*ask for a review by the CSO in extenuating circumstances where the severity of the offense and the time that has passed would support a possible variance*" (5.12.1 3.a.).

"BAN THE BOX," LAWS, REGULATIONS, AND KCJIS POLICIES ON RECORD CHECKS, CONTINUED
DON CATHEY, KCJIS INFORMATION SECURITY OFFICER

Does there need to be a conditional offer of employment or other steps completed before we can do the fingerprints for employment at our criminal justice agency?

No. FBI/KCJIS policy 5.12.1 now states PRIOR to unescorted access to unencrypted CJI. To date, our research and study of federal and state laws and regulations have found NO absolute timeframe requirements for when a record check can or cannot be conducted.

So, WHEN can a record check be conducted on personnel who need access to unencrypted CJI?

According to KCJIS policy 5.12.1, any time PRIOR to granting unescorted access to unencrypted CJI

Keep in mind that giving an applicant an opportunity to explain their specific circumstances will go far in the spirit of cooperation with your HR and administrators, "Ban the Box" and EEOC (and you might just find the right person for that special role!).

But plan for those bumps, remembering that if a record exists; a denial of access is in order until such time that your agency asks for a review by the CSO who then may grant a variance, or the individual seeks to follow-up with the originating agency of the record and obtains a correction of any incorrect information. Both situations will take time before the individual can be allowed unescorted access to unencrypted CJI.

What if our county administration insists we can't fingerprint record check the I.T. staff?

Someone who is authorized by your agency (record checked, and security awareness trained) will have to escort or monitor them if or when they access information system(s) you use that contain unencrypted CJI until they are authorized themselves according to KCJIS policy.

Connecting the dots from 28 CFR part 20, supporting the information system used to collect, process, store, and transmit CJI is "administration of criminal justice". Therefore, 28 CFR 20 and KCJIS policy apply to I.T. staff used to support your CJA's information systems.

- **28 CFR § 20.3 Definitions** (b) *Administration of criminal justice* means performance of *any* of the following activities: Detection, apprehension, detention, pretrial release, posttrial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders. The administration of criminal justice shall include criminal identification activities and *the collection, storage, and dissemination* of criminal history record information.

- **§ 20.21 (b) Limits dissemination** *to (3) Individuals and agencies* pursuant to a specific agreement *with a criminal justice agency* to provide services required for the administration of criminal justice *pursuant to that agreement*

Furthermore, a Criminal Justice Agency (CJA) must authorize the NCJA's access to their information systems used to process CJI (administration of criminal justice) by way of a management control agreement (per § 20.21 (b) (3); § 20.33 and policy 5.1.1.4).

- **§ 20.33 Dissemination of criminal history record information.** Criminal history record information contained in the III System and the FIRS may be made available:
  (6) To noncriminal justice governmental agencies performing criminal justice dispatching functions or data processing/information services for criminal justice agencies;

If we must record check I.T. before they can access our Criminal Justice information systems, does that mean we can record check all other city or county employees for other jobs?

No, you may not. Record checks for Non-criminal justice purposes *must go through the KBI*. Non-criminal justice uses of CHRI for licensing or by school districts, day cares, department of children and families, etc., are governed by several different regulations pursuant to Title 5 USC 552a, also known as the Privacy Act of 1974, and governance is set forth in the National Crime Prevention and Privacy Compact described in Title 34 USC 40311-40316 and ratified in Kansas per KSA 22-5001.

NEWS FROM THE KBI HELP DESK
JEFFREY DOWNING, NETWORK CONTROL TECHNICIAN III

Did you know? OpenFox Transaction Help is available within most message keys

One of the tools the Help Desk Techs use when troubleshooting message key issues with users is the Transaction and Field Help documentation contained within the OpenFox drop down menus. This information is pulled directly from the NCIC, NLETS, or Kansas Help Files.

For example, let's say you are entering an article that is not listed. You try several things such as searching within the code list, or maybe you guess at what to put in the field, only to be presented with the dreaded MESSAGE REJECTED – INVALID MFC error. The worst, right?

Did you know that if you right click on the field that is giving you the error and select "Transaction Help," you are taken directly to the Help File for that particular message key?

Here you can browse to find what you are looking for or use the Ctrl+F function to search for something specific such as "BRA." This example shows the more detailed information for the BRA field and what to do if the brand name is not listed in the NCIC Code Manual.

Of course, if you are having problems, please call the Kansas Bureau of Investigation (KBI) Help Desk at (785) 296-8245 and we will figure it out together!

KAN License project

The Kan License project is technically done. However, we are fully aware there are some issues hanging out there that need additional work/research. These include:

- Medical examiner information – The name of the doctor and exam date is still not populating
- Inconsistencies of information coming back in returns

We agree that you should not have to search in three different places to check a DL status. Please know that we are working closely with the Kansas Department of Revenue (KDOR) and our message switch vendor to resolve these and other reported issues.

If you have a questions on any return you are getting, please email (helpdesk@kbi.ks.gov) or call the KBI Help Desk (785) 296-8245.

KDOR Documents Updated on the KCJIS Web Portal

The following documents were recently updated in the Information/KDOR Section of the KCJIS Web Portal

- Driving Record Codes
- Kansas Driver's License Return Field Definitions
- Kansas License Plate Guide

NEWS FROM THE KBI HELP DESK, CONTINUED
JEFFREY DOWNING, NETWORK CONTROL TECHNICIAN III

NLETS – KQ (Query Driver History) vs DQ (Query Driver's License)

Many of you know the difference between the two message keys, the KQ gives driver history and the DQ doesn't. BUT, did you know that when running a KQ message key, you are not only getting driver history, but also the medical information that is required for Commercial Driver License (CDL). In addition, the Kansas Car Stop (KCS), generates a DQ and not a KQ. If you want CDL information from an out of state driver license, you will need to run a KQ message key.

KBI HELP DESK – Call Center

If you have contacted the KBI Help Desk lately, you will have noticed the calls are being answered by our new call center solution. A lot of configurations were put in place to make the experience as easy as possible. One of the main things we hope you notice is that you are not automatically sent to voicemail. You now have the option to wait for the next available Help Desk Staff. With this feature, we have experienced a big drop in our voice mails as many of you don't mind staying on the line to get your issue resolved. In addition, this new solution will allow us to monitor our calls and collect needed statistics to help us serve you better.

20th ANNUAL KCJIS CONFERENCE

The KCJIS Committee is pleased to present the 20th Annual Kansas Criminal Justice Information System (KCJIS) conference geared toward criminal justice practitioners from state and local law enforcement, 911 operators, prosecutors, courts, agency administrators, and first line supervisory staff.

This year the Conference will be held at the Capital Plaza Hotel and Conference Center at 1717 SW Topeka Blvd, Topeka, KS June 2-4. The cutoff date to reserve a room is **May 10th, 2019.** Here is a direct link to make your reservations (no group code required):

http://bookings.ihotelier.com/bookings.jsp?groupID=2415869&hotelID=13576 or call the hotel directly at (785) 431-7200 please mention you are part of KS Criminal Justice Information System Conference or group code CJIS.
Registrations can be made by using this link KCJIS - Conference Registration Form 2019 and if you have questions contact the KBI Help Desk by email helpdesk@kbi.ks.gov or call (785) 296-8245.

KCJIS USER GROUPS
SHERRY WEBB, PROGRAM CONSULTANT KBI

Greetings KCJIS users,

Now that the brutal winter season is hopefully behind us, the user group meetings are in full swing again. Here are the upcoming meetings, with hopes they don't get cancelled due to the weather.

- Northcentral region is scheduled for May 21st , 10am—3pm at the Farmway Credit Union, 102 N Commercial, Mankato, KS 66956
- Northeast region is scheduled for May 2nd, 11:30am – 2:30pm at the Kansas Bureau of Investigation (KBI) Headquarters, 1620 SW Tyler
- Southcentral region is scheduled for May 7th, 1:00pm – 4:00pm at Wichita Police Department, 455 N. Main
- Southeast region is scheduled for June 26th, 10am—2pm in Burlington (Coffey County), address TBD

Here's a brief overview of the topics discussed at the user groups that were able to meet this past quarter.

- Open Fox – Updates on KDQ Message Key, Kansas Department of Revenue (KDOR) working on errors on a case-by-case basis
- Car Stop code cheat sheet is available on the KCJIS web portal
- Cyber security - the link between KBI and Kansas Highway Patrol (KHP)
- KACIS – Ways to view information in the system
- Tokens – How to un-assign a token before terminating the user's access
- Office of Emergency Communications – Communications Unit (COMU) training is being held in April and offer site testing
- 911 Coordinating Council – talked about the Grant Funding Bill that is currently being debated on the Senate floor
- KBI and Association of Public-Safety Communication Officials (APCO) are exploring voluntary training standards for dispatchers

Please contact Sherry Webb regarding any questions or recommendations you may have on topics and/or trainings at sherry.webb@kbi.ks.gov or (785) 296-8281.

UPCOMING FIELD SUPPORT TRAINING
JESSICA CROWDER, PROGRAM CONSULTANT II KBI

The Kansas Bureau of Investigation (KBI) will be offering training in Topeka August 28th and 29th. To attend this complimentary training, please register with the KBI receptionist at AnnexFrontDesk@kbi.state.ks.us or (785) 296-7404. When registering please include the following information: specific date, class, and how many from your agency will be attending. Also, please provide an email or phone number for follow-up confirmation. Register early as seating is limited!

Topeka – Wednesday August 28th

Kansas Bureau of Investigation
1620 SW Tyler
Topeka, Kansas 66612

KBI HQ Main Conference Room	KBI Annex Training Room	Time
KIBRS	Criminal History	8:30am – 12:00pm
Asset Forfeiture / Use of Force (2 hour class)	Rapsheet Differences	1:00pm – 4:30pm

Topeka – Thursday August 29th

Kansas Bureau of Investigation
1620 SW Tyler
Topeka, Kansas 66612

KBI HQ Main Conference Room	KBI Annex Training Room	Time
Offender Registration/ KsORT	eCitation /DNA	8:30am – 12:00pm
Switch / KCJIS Web Portal	10 Print Identification	1:00pm – 4:30pm

2019 SEARCH SYMPOSIUM
JESSICA CROWDER, PROGRAM CONSULTANT II KBI

The 2019 SEARCH Symposium is coming up! Go to https://symposium.search.org/ to register or obtain more information.

2019 SEARCH SYMPOSIUM ON JUSTICE INFORMATION TECHNOLOGY, POLICY AND RESEARCH

Washington, DC
Tuesday, July 23 – Wednesday, July 24, 2019
Hyatt Regency Crystal City at Reagan National Airport

XRY CERTIFICATION & INTERMEDIATE TRAINING
NICOLE DEKAT, FORENSIC SCIENTIST KBI

The Kansas Bureau of Investigation (KBI) will be hosting MSAB Mobile Forensic Software training June 3rd through June 7th. This training will take you through the basics of mobile phone forensic examinations, key principles to recovering data, and best practices to preserve data extracted using XRY in the correct form.

This training can also benefit those who utilize the HARCFL satellite kiosks which have been recently updated with MSAB software.

To register, please email Nicole Dekat with the Kansas Bureau of Investigation at Nicole.Dekat@kbi.state.ks.us or Justin Bercovich with MSAB at Justin.Bercovich@msab.com. Register early as seating is limited! The training will take place at the KBI Forensic Science Center at 2001 SW Washburn Ave, Topeka, KS 66604.

XRY Certification &Intermediate Training
June 3-7, 2019 | KANSAS BUREAU OF INVESTIGATION

Key Benefits of Becoming XRY Certified:
- Recognition of your knowledge and proficiency
- Validation of expertise through formal certification
- Testify with proven credibility

XRY Certification
This 2 day course is the foundation to being most effective when using XRY. The instructors will take you through the basics of mobile phone forensic examinations, key principles to recovering data and best practices to preserve data extracted using XRY in the correct form. This course covers all the essentials you will need to get up and running with confidence in XRY. For additional information on this course click here.

XRY Intermediate
This 3 day course is the next level after successfully completing XRY Certification. XRY Intermediate training will advance your skills by taking you through all the features and functionality available in XRY to maximize the data recovery. For additional information on this course click here.

Successful completion of each XRY course and assessment will result in earning you're certificate which validates your expertise to meet the required competencies of a mobile forensic examiner. Certification is recognition of you knowledge and proven credibility especially when you're testifying in court.

All XRY training courses are hands–on and interactive with full access to the XRY software. Instructors will provide each student numerous mobile devices to practice on. All of our instructors are skilled experts with years of experience using XRY and know what you'll need to be successful with our product.

We look forward to seeing you in our training courses the week of June 3rd!

The KCJIS Newsletter is published in cooperation of the Kansas Criminal Justice Coordinating Council and KCJIS Committee

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